



**Commission Members -**

Cheryl Ebsworth, Chair, Joleen Jones, Vice Chair, Brian Franchini, Kristen Martinson, Scott Fletcher, Dusin Madden and Luke Heath

The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (Council Chambers), or virtually by using the meeting access link below.

**[Join the meeting now](#)**

Meeting ID: 232 462 004 899

Passcode: V7bnmK

**ROLL CALL**

**NEW BUSINESS**

1. **Public Hearing 1215 Adele Street Abatement** Public hearing for site abatement
2. **1215 Adele Street Abatement** Abatement order for site

**COMMISSION COMMENTS**

**STAFF COMMENTS**

**ADJOURNMENT**



---

**SUBJECT: Public Hearing 1215 Adele Street Abatement**    Public hearing for site abatement

**CATEGORY: Public Hearings**

---

**BUDGET IMPACT:**

Expenditure Required: None

Within Budget Allocation: N/A

---

**ATTACHMENTS:**

1. 1215 Adele Nuisance Complaint
2. MEMO TO THE DESIGN COMMISSION - 1215 Adele Street
3. Site Pictures

**STAFF CONTACT:** Doug Ruth, Deputy City Attorney

---

**SUMMARY BACKGROUND:**

---

<p><b>COUNCIL COMMITTEE/STUDY SESSION:</b> <b>MEETING/STUDY SESSION DATE:</b> <b>COMMITTEE RECOMMENDATION:</b></p>
--

**STAFF RECOMMENDATIONS/MOTION:**



## **Vegetation Nuisance Complaint**

### **1215 Adele Street, Sumner**

#### **I. BACKGROUND**

This action is brought by the City of Sumner pursuant to Sumner Municipal Code (SMC) 15.14.080 (Unfit Dwellings, Buildings and Structures). This action is to order abatement of a public nuisance and to recover all costs and expenses of any City abatement.

The nuisance conditions exist at 1215 Adele Street in Sumner. Title to the property is in Barrie Starman, a deceased individual. The executor of her will is her granddaughter, Brittany Starman. The property is encumbered by a deed of trust, which is assigned to the Housing and Urban Development Department of the U.S. government.

#### **II. LEGAL AUTHORITY**

Chapter SMC 15.14.070 authorizes the Board of Improvement to order abatement of nuisances existing on property. According to 15.14.020, a nuisance includes uncleanliness conditions that are detrimental to health and conditions that are defined as nuisances by other statutes. SMC 8.16.020 defines “public nuisance” as an omission that “annoys, injures or endangers the comfort repose, health or safety of the public; offends public decency; [or] unlawfully interferes with, obstructs... [a] highway or sidewalk...”. SMC 8.16.030 identifies as a nuisance all weeds that exceed 12 inches in height that are not grown for an agricultural use, and premises overgrown with blackberry vines.

#### **III. STATEMENT OF FACTS**

In August 2024, Officer Kurt O’Connor received a complaint of a vegetation nuisance at 1215 Adele Street. The complaining neighbor reported overgrown blackberry vines at the vacant property.

Between August 9, 2024 and March 31, 2025, Officer O’Connor visited 1215 Adele Street on more than four occasions and drove by the property numerous times. Each time he inspected the property, he found it to have overgrown vegetation. Most prominently, he

found that blackberry vines in the backyard of the property were growing over the property-line fence, which was approximately 6-feet tall.

On several occasions between these dates, Officer O'Connor spoke to a neighbor of the property, Ms. Tina Burnett. She consistently reported the same conditions that the officer identified on his visits. She informed Officer O'Connor that she repeatedly was forced to cut blackberry vines that were growing over or under the fence that sits between her property and 1215 Adele Street. She also sent Officer O'Connor pictures of ivy growing up the outside of the house and onto the roof.

Because the property appeared vacant and Ms. Burnett expressed her understanding that the owner, Barrie Starmann, had passed away, Officer O'Connor contacted Ms. Starmann's family. He spoke to Ms. Starmann's granddaughter, who confirmed that Barrie Starmann was deceased. She reported that the bank owned the house. Afterwards, Officer O'Connor was unable to reach the granddaughter again although he left several voice messages at her phone number.

Deputy City Attorney Doug Ruth identified that a reverse mortgage on 1215 Adele Street had been assigned by Bank of America to the Housing and Urban Development Department. Between September 2024 and February 2025, he made repeated phone calls to the Department and its contractors requesting that they address the vegetation. His messages and discussions with the HUD staff did not produce any results.

On March 28, 2025, Deputy City Attorney Ruth visited the property. He found blackberry vines growing above and over the top of the fence that separates the property from the neighboring properties on the north and east. The blackberry vines took up about half the backyard and were growing out into the front yard and beyond. These vines were growing across the sidewalk, partially obstructing it.

On the west side of the property, Mr. Ruth confirmed that ivy was growing up the side of the structure and onto the roof. On the north side of the garage, the ivy was a thick mat on the garage exterior and on the west had progressed several feet across the garage door.

Mr. Ruth spoke to both the neighbors adjacent to the corner house. They both reported that the vines regularly grow into their yards. They noted that the condition would be worse, but that each of them regularly cut back the encroaching vines. The neighbor to the north, Ms. Burnett, reported seeing rodents in the neighborhood and suspected that they lived in the blackberry bramble on the other side of the fence.

The attached pictures to this complaint were taken on March 20 and 28, 2025.

### III. ALLEGATIONS

1. 1215 Adele Street contains overgrown blackberry vines that are growing wild, not for an agricultural use.
2. The blackberry vines and ivy growing on the property exceed 12 inches in height.
3. The blackberry vines and ivy growing on 1215 Adele Street are in such an abundance to constitute an annoyance to the comfort and health of the public; offend public decency; and by their height are illegal.
4. The blackberry vines growing on 1215 Adele Street unlawfully interfere with and obstruct passage on the public sidewalk that sits in front of that address.
5. The vegetation growing at 1215 Adele Street offends the senses and interferes with the comfortable enjoyment of others' private property.
6. That the blackberry vines and ivy growing on 1215 Adele Street constitute a nuisance on the premises pursuant to SMC 15.14.

### IV. REMEDY

The City of Sumner seeks:

- A finding that the individual allegations in part III of this complaint are true.
- A finding that a nuisance exists at 12 15 Adele Street in the form of overgrown vegetation.
- An order for the property owner to abate, by 5:00 p.m. on May 12, 2025, the nuisance at 1215 Adele by cutting and removing off the property all blackberry vines growing on the property and cutting back ivy vines to a legal height and disposing of the cuttings.
- An order authorizing the City of Sumner to abate any vegetation nuisances on the property remaining after May 12, 2025 at 5:00 p.m.
- An order authorizing the City to assess the costs of any abatement action by the City on the property and a \$100.00 administrative fee against 1215 Adele Street and to forward such costs and fee to the city treasurer to certify them to the county auditor for assessment on the tax rolls if the costs and fee are not paid to the City within ten days of assessment.



**MEMO TO THE DESIGN COMMISSION**  
*from the DEVELOPMENT SERVICES DEPARTMENT*

**Project:** Vegetation Nuisance Complaint

**Applicant:** City of Sumner

**Location/Parcel(s):** 1215 Adele Street, Sumner, WA. (0420251040).

**Project Components:** Order abatement of a public nuisance and to recover all costs and expenses of any City abatement.

**Related Permits:** None.

**Date of Meeting:** April 9, 2025 at 6:00 pm

**Staff Representative:** Doug Ruth – Assistant City Attorney  
Scott Waller – Senior Planner

**Recommendation:** Issue order for abatement work.

**Attachments:** Nuisance complaint form, photographs.

**I. BACKGROUND INFORMATION**

**a. Site Location and Vicinity**

The project is located at the corner of Adele Street and Sumner Avenue. The site is currently is a single family residential property in the Low Density Residential 6,000 zone (LDR 6). The site abuts two other residential properties to the north and west, with residential sites across Adele Street and Sumner Avenue.



**b. Proposal Description and overview**

This scope of review and recommendation for the Design Commission is to hold a public hearing on this matter, followed by the discussion and action on the proposed order for abatement.

**II. REVIEW CRITERIA AND ANALYSIS**

**SMC 15.14.100**

C. The board shall issue an order to the owner that contains the following information:

1. The decision regarding the alleged violation including findings of fact and conclusions based thereon.
2. The required corrective action.
3. The date and time by which the correction must be completed.
4. The costs assessed.
5. The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.
6. The decision shall state that the owner has the right to appeal to the hearing examiner within 30 days and, unless he does appeal or comply with the order, the city shall have the power, without further notice or proceedings, to vacate and secure the building or premises and do any act required of the owner in the order of the board, and to charge any expenses incurred thereby to the owner and assess them against the property.

### **III. STAFF RECOMMENDATION**

Issue an order pursuant to SMC 15.14.100(C) and as provided in the included *Vegetation Nuisance Complaint 1215 Adele Street, Sumner*.





























---

**SUBJECT: 1215 Adele Street Abatement** Abatement order for site

**CATEGORY:** Motion

---

**BUDGET IMPACT:**

Expenditure Required: None

Within Budget Allocation: N/A

---

**ATTACHMENTS:**

1. Site Pictures
  2. 1215 Adele Nuisance Complaint
  3. MEMO TO THE DESIGN COMMISSION - 1215 Adele Street
- 

**STAFF CONTACT:**

---

**SUMMARY BACKGROUND:**

---

**COUNCIL COMMITTEE/STUDY SESSION:**

**MEETING/STUDY SESSION DATE:**

**COMMITTEE RECOMMENDATION:**

---

**STAFF RECOMMENDATIONS/MOTION:**































## **Vegetation Nuisance Complaint**

### **1215 Adele Street, Sumner**

#### I. BACKGROUND

This action is brought by the City of Sumner pursuant to Sumner Municipal Code (SMC) 15.14.080 (Unfit Dwellings, Buildings and Structures). This action is to order abatement of a public nuisance and to recover all costs and expenses of any City abatement.

The nuisance conditions exist at 1215 Adele Street in Sumner. Title to the property is in Barrie Starman, a deceased individual. The executor of her will is her granddaughter, Brittany Starman. The property is encumbered by a deed of trust, which is assigned to the Housing and Urban Development Department of the U.S. government.

#### II. LEGAL AUTHORITY

Chapter SMC 15.14.070 authorizes the Board of Improvement to order abatement of nuisances existing on property. According to 15.14.020, a nuisance includes uncleanliness conditions that are detrimental to health and conditions that are defined as nuisances by other statutes. SMC 8.16.020 defines “public nuisance” as an omission that “annoys, injures or endangers the comfort repose, health or safety of the public; offends public decency; [or] unlawfully interferes with, obstructs... [a] highway or sidewalk...”. SMC 8.16.030 identifies as a nuisance all weeds that exceed 12 inches in height that are not grown for an agricultural use, and premises overgrown with blackberry vines.

#### III. STATEMENT OF FACTS

In August 2024, Officer Kurt O’Connor received a complaint of a vegetation nuisance at 1215 Adele Street. The complaining neighbor reported overgrown blackberry vines at the vacant property.

Between August 9, 2024 and March 31, 2025, Officer O’Connor visited 1215 Adele Street on more than four occasions and drove by the property numerous times. Each time he inspected the property, he found it to have overgrown vegetation. Most prominently, he

found that blackberry vines in the backyard of the property were growing over the property-line fence, which was approximately 6-feet tall.

On several occasions between these dates, Officer O'Connor spoke to a neighbor of the property, Ms. Tina Burnett. She consistently reported the same conditions that the officer identified on his visits. She informed Officer O'Connor that she repeatedly was forced to cut blackberry vines that were growing over or under the fence that sits between her property and 1215 Adele Street. She also sent Officer O'Connor pictures of ivy growing up the outside of the house and onto the roof.

Because the property appeared vacant and Ms. Burnett expressed her understanding that the owner, Barrie Starmann, had passed away, Officer O'Connor contacted Ms. Starmann's family. He spoke to Ms. Starmann's granddaughter, who confirmed that Barrie Starmann was deceased. She reported that the bank owned the house. Afterwards, Officer O'Connor was unable to reach the granddaughter again although he left several voice messages at her phone number.

Deputy City Attorney Doug Ruth identified that a reverse mortgage on 1215 Adele Street had been assigned by Bank of America to the Housing and Urban Development Department. Between September 2024 and February 2025, he made repeated phone calls to the Department and its contractors requesting that they address the vegetation. His messages and discussions with the HUD staff did not produce any results.

On March 28, 2025, Deputy City Attorney Ruth visited the property. He found blackberry vines growing above and over the top of the fence that separates the property from the neighboring properties on the north and east. The blackberry vines took up about half the backyard and were growing out into the front yard and beyond. These vines were growing across the sidewalk, partially obstructing it.

On the west side of the property, Mr. Ruth confirmed that ivy was growing up the side of the structure and onto the roof. On the north side of the garage, the ivy was a thick mat on the garage exterior and on the west had progressed several feet across the garage door.

Mr. Ruth spoke to both the neighbors adjacent to the corner house. They both reported that the vines regularly grow into their yards. They noted that the condition would be worse, but that each of them regularly cut back the encroaching vines. The neighbor to the north, Ms. Burnett, reported seeing rodents in the neighborhood and suspected that they lived in the blackberry bramble on the other side of the fence.

The attached pictures to this complaint were taken on March 20 and 28, 2025.

### III. ALLEGATIONS

1. 1215 Adele Street contains overgrown blackberry vines that are growing wild, not for an agricultural use.
2. The blackberry vines and ivy growing on the property exceed 12 inches in height.
3. The blackberry vines and ivy growing on 1215 Adele Street are in such an abundance to constitute an annoyance to the comfort and health of the public; offend public decency; and by their height are illegal.
4. The blackberry vines growing on 1215 Adele Street unlawfully interfere with and obstruct passage on the public sidewalk that sits in front of that address.
5. The vegetation growing at 1215 Adele Street offends the senses and interferes with the comfortable enjoyment of others' private property.
6. That the blackberry vines and ivy growing on 1215 Adele Street constitute a nuisance on the premises pursuant to SMC 15.14.

### IV. REMEDY

The City of Sumner seeks:

- A finding that the individual allegations in part III of this complaint are true.
- A finding that a nuisance exists at 12 15 Adele Street in the form of overgrown vegetation.
- An order for the property owner to abate, by 5:00 p.m. on May 12, 2025, the nuisance at 1215 Adele by cutting and removing off the property all blackberry vines growing on the property and cutting back ivy vines to a legal height and disposing of the cuttings.
- An order authorizing the City of Sumner to abate any vegetation nuisances on the property remaining after May 12, 2025 at 5:00 p.m.
- An order authorizing the City to assess the costs of any abatement action by the City on the property and a \$100.00 administrative fee against 1215 Adele Street and to forward such costs and fee to the city treasurer to certify them to the county auditor for assessment on the tax rolls if the costs and fee are not paid to the City within ten days of assessment.



**MEMO TO THE DESIGN COMMISSION**  
*from the DEVELOPMENT SERVICES DEPARTMENT*

**Project:** Vegetation Nuisance Complaint

**Applicant:** City of Sumner

**Location/Parcel(s):** 1215 Adele Street, Sumner, WA. (0420251040).

**Project Components:** Order abatement of a public nuisance and to recover all costs and expenses of any City abatement.

**Related Permits:** None.

**Date of Meeting:** April 9, 2025 at 6:00 pm

**Staff Representative:** Doug Ruth – Assistant City Attorney  
Scott Waller – Senior Planner

**Recommendation:** Issue order for abatement work.

**Attachments:** Nuisance complaint form, photographs.

**I. BACKGROUND INFORMATION**

**a. Site Location and Vicinity**

The project is located at the corner of Adele Street and Sumner Avenue. The site is currently is a single family residential property in the Low Density Residential 6,000 zone (LDR 6). The site abuts two other residential properties to the north and west, with residential sites across Adele Street and Sumner Avenue.



**b. Proposal Description and overview**

This scope of review and recommendation for the Design Commission is to hold a public hearing on this matter, followed by the discussion and action on the proposed order for abatement.

**II. REVIEW CRITERIA AND ANALYSIS**

**SMC 15.14.100**

C. The board shall issue an order to the owner that contains the following information:

1. The decision regarding the alleged violation including findings of fact and conclusions based thereon.
2. The required corrective action.
3. The date and time by which the correction must be completed.
4. The costs assessed.
5. The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.
6. The decision shall state that the owner has the right to appeal to the hearing examiner within 30 days and, unless he does appeal or comply with the order, the city shall have the power, without further notice or proceedings, to vacate and secure the building or premises and do any act required of the owner in the order of the board, and to charge any expenses incurred thereby to the owner and assess them against the property.

### **III. STAFF RECOMMENDATION**

Issue an order pursuant to SMC 15.14.100(C) and as provided in the included *Vegetation Nuisance Complaint 1215 Adele Street, Sumner*.